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August 20, 2020

The Honorable John G. Koeltl
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Evelina Calcano v. L2T, Inc.
Case No. 1:19-cv-11377-JGK

Application granted.
SO ORDERED.

/s/ John G. Koeltl
New York, NY John G. Koeltl
August 20, 2020 U.S.D.J.

Dear Judge Koeltl:

We represent defendant L2T, Inc. (“Defendant”) in the above-referenced action. In accordance with Rule 1.E. of Your Honor’s Individual Practices, and in light of the events summarized below, we respectfully write to request a further stay of this matter until October 20, 2020.

In late April 2020, the Honorable Gregory H. Woods of the Southern District of New York issued decisions granting motions to dismiss other gift card cases involving substantially identical complaints to Plaintiff’s here. (*See Yovanny Dominguez v. Banana Republic, LLC, U.S.D.C. S.D.N.Y. Case No. 1:19-cv-101071 (GHW) (“Banana Republic”); James Murphy v. Kohl’s Department Stores, Inc., U.S.D.C. S.D.N.Y. Case No. 1:19-09921 (GHW) (“Kohl’s”)*). Plaintiffs in those cases exercised their right to appeal from those rulings, and the Second Circuit ordered a coordinated and expedited briefing schedule in those cases, suggesting that the Second Circuit intends to address the same issues at the core of the pending motion to dismiss. As the Second Circuit’s intent to rule on these same issues is inevitable and possibly imminent, Defendant’s requested stay would conserve judicial resources, and permit the parties and this Court to resume proceedings at a future date with the benefit of guidance from the Court of Appeals. In light of these events, and so that it may continue to direct its attention and resources to the critical issues facing its business, Defendant respectfully requests a further stay of all deadlines and events in this matter until October 20, 2020, including Defendant’s August 21, 2020 deadline to respond to the Complaint.

This is Defendant’s third request for a stay of this matter, and Plaintiff consents to this request.

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Thank you for Your Honor's consideration of this request.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By: s/ *Evan B. Citron*
Evan B. Citron

EBC:bjr
cc: All counsel of record (via ECF)

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